

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43*bis*.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No. PCT/GB2005/000449	International filing date (day/month/year) 09.02.2005	Priority date (day/month/year) 11.02.2004
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International Patent Classification (IPC) or both national classification and IPC
C11D1/58, C11D3/28, C11D3/43, C11D7/32, C11D7/50, C11D3/18, C11D7/24, C11D3/20, C11D7/26, C11D17/00

Applicant
RECKITT BENCKISER (UK) LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA:</p> <div style="display: flex; align-items: center;"> <div> <p>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</p> </div> </div>	<p>Authorized Officer</p> <p>Pentek, E</p> <p>Telephone No. +49 89 2399-8489</p> <div style="text-align: right;"> </div>
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. IV Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ not paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1 to 9, 11 part, 12 part and 13 part

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement
- | | | |
|-------------------------------|-------------|---------------|
| Novelty (N) | Yes: Claims | 7 |
| | No: Claims | 1-6,8,9,11-13 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-9,11-13 |
| Industrial applicability (IA) | Yes: Claims | 1-9,11-13 |
| | No: Claims | |
2. Citations and explanations
- see separate sheet**

Re Item IV.

1.1. The separate inventions are:

Claims 1-9, 11 part, 12 part, 13 part:

Cleaning composition; method of cleaning a soiled substrate with the use of said composition; use of said composition for the cleaning of household substrates; and packaged household cleaning product comprising said composition; wherein said composition comprises at least 1% of an amphiphile (glycol ether or N-alkyl-2-pyrrolidone), at least 0.005% of hydrocarbon, and at least 80% of water.

Claims 10, 11 part, 12 part, 13 part:

Cleaning composition; method of cleaning a soiled substrate with the use of said composition; use of said composition for the cleaning of household substrates; and packaged household cleaning product comprising said composition; wherein said composition comprises water, a hydrocarbon, and an amphiphile, which composition exhibits Marangoni behaviour when exposed to air.

1.2. They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The present application relates to a cleaning composition; a method of cleaning a soiled substrate with the use of said composition; a use of said composition for the cleaning of household substrates; and a packaged household cleaning product comprising said composition; wherein either said composition comprises at least 1% of an amphiphile (glycol ether or N-alkyl-2-pyrrolidone), at least 0.005% of hydrocarbon, and at least 80% of water (claim 1) or said composition comprises water, a hydrocarbon and an amphiphile, which composition exhibits Marangoni behaviour when exposed to air (claim 10).

Therefore, the technical feature linking the subjects of independent claims 1 and 10 is a composition comprising water, a hydrocarbon and an amphiphile. This common feature linking independent claims 1 and 10 is known from each documents cited in the search report (see the passages cited in the partial search report). Therefore, this

technical features can no longer serve as special technical features in the sense of Rule 13 PCT, linking the different subjects together.

Re Item V.

2. Reference is made to the following documents:
D1: WO 02/50241 A (UNILEVER) 27 June 2002
D2: US-B1-6 387 865 (MONDIN MYRIAM ET AL) 14 May 2002
D3: EP-A-0 273 594 (AIRWICK INDUSTRIES, INC) 6 July 1988
D4: US-A-5 294 644 (LOGIN ET AL) 15 March 1994
D5: US-A-6 087 312 (MASOTTI ET AL) 11 July 2000
D6: EP-A-1 122 302 (HENKEL KGAA) 8 August 2001
D7: US 2002/045557 A1 (CABLE ELIZABETH A ET AL) 18 April 2002
D8: US-A-5 409 639 (FUSIAK ET AL) 25 April 1995
- 3.1. The subject-matter of independent claims 1, 11, 12 and 13 not novel in view of documents D1 to D8; see the passages indicated in the search report for these documents.
The attention of the applicant is drawn to the fact that perfume or fragrance is usually composed of or comprises a major amount of hydrocarbon. Therefore, all of the documents disclosing an amphiphile, water and perfume or fragrance in amounts as specified in present claim 1 are considered to be novelty destroying for that claim.
- 3.2. The subject-matter of dependent claims 2 to 6, 8 and 9 is also known from at least one of D1 to D8.
4. The subject-matter of present claims 1 to 9 and 11 to 13 lacks an inventive step over D1 to D4 since these documents all refer to compositions for cleaning household substrates, said compositions comprising or may comprise an amphiphile such as a glycol ether or a 1-alkyl-2-pyrrolidone, a hydrocarbon and water in proportions as specified in present claim 1.